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By Email & Overnight Courier

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
Commonwealth of Massachusetts
One South Station
Boston, MA 02110

Re: ***D.T.E. 02-8***

Dear Ms. Cottrell:

Pursuant to the April 24, 2002 memorandum of Hearing Officer Evans, WorldCom, Inc. hereby submits its comments concerning the motion (the "Motion") filed by several carriers to suspend the Department's investigation of Verizon's collocation security practices and establish in its stead an industry task force to address the issue of collocation security. As discussed below, WorldCom supports the Motion's proposal to suspend this adversarial proceeding. However, WorldCom disagrees with the Motion's proposed alternative. Rather than the alternative suggested by the Motion, *i.e.*, an industry task force coordinated by the Department, WorldCom believes that addressing this issue of national importance in a state-specific forum could potentially do more harm than good. WorldCom therefore encourages the Department to suspend its investigation until the findings of the Network Reliability and Interoperability Council, which operates under the auspices of the FCC, are issued. In the alternative, WorldCom submits that having a national approach, such as a joint federal-state board on collocation security, is a more workable forum for a collaborative than the state-specific endeavor proposed by the Motion.

As an initial matter, WorldCom agrees with the Department that the murderous acts of terrorism of September 11, 2001, have appropriately prompted renewed focus on the paramount

importance of protecting the nation's telecommunications infrastructure from harm. The question is not whether this is a legitimate issue for investigation and review – clearly it is. Indeed, the carriers sponsoring the Motion believe that the question is not whether the Department should investigate the issue, but *how* the Department should proceed in its investigation. In that regard, the Motion argues persuasively that an adjudicatory proceeding, pitting the CLEC community against Verizon in what ought to be a matter of common concern, is inappropriate. (Sadly, the Motion also summarizes succinctly that Verizon has approached this proceeding not as one carrier among many seeking to protect the Commonwealth's interconnected networks for the good of all, but rather as a competitor seeking to exploit national tragedy to further its own war of attrition against CLECs; its proposals are in relentless pursuit of ways to eliminate its competitors by driving up their costs of doing business, and by reducing or eliminating their ability to adequately service the needs of their customers.)

For the reasons stated in the Motion, WorldCom agrees that an adjudicatory proceeding is not the most efficient approach to investigating collocation security. WorldCom also agrees that much of what Verizon has proposed is inconsistent with current federal law and regulations and is beyond the Department's authority to implement. But while the sponsors of the Motion suggest a Department-sponsored collaborative "task force" as an alternative course of action, WorldCom believes that the relevant threshold question is whether that initiative, or any similar state-level inquiry for that matter, is an appropriate forum in which to conduct an investigation with national implications. WorldCom believes that it is not, and that any such investigation ought to be national in scope.

The issue of collocation security throughout the Commonwealth, and in the telecommunications hub in and around the greater Boston area in particular, is without question one that is of legitimate concern to the Department. But the state utility commissions responsible for the communications hubs in New York, Chicago, Los Angeles, Dallas, Miami, Denver, and Phoenix – and dozens of other metropolitan areas – could lay claim to identical concerns. Every state commission, whether or not it has a major population center in its jurisdiction (or a military base, nuclear power plant, airport, etc.) has a legitimate interest in ensuring that the telecommunications infrastructure serving its constituency is secure; each such commission thus has a legitimate interest in proceeding with a collaborative "task force" of the type advocated by the Motion. And therein lies the problem. While the Department may have been the first state regulatory commission to open an investigation concerning telecommunications infrastructure security, it surely will not be the last *unless* an alternative forum for addressing the Department's (and the nation's) concerns is established.

WorldCom submits that there already exists a forum that is particularly well-suited for addressing this issue – the FCC's Network Reliability and Interoperability Council ("NRIC"). Currently in its sixth iteration, or NRIC VI, NRIC was originally formed by virtue of the Federal Advisory Committee Act¹ for the purpose of advising the FCC on issues of technical concern. In light of the

¹ Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended.

events of September 11, 2001, first on NRIC VI's list of objectives is "Homeland Security," with a particular focus on "prevention." As stated in the NRIC VI Charter, "The Committee will assess vulnerabilities in the public telecommunications networks and the Internet and determine how best to address those vulnerabilities to prevent disruptions that would otherwise result from terrorist activities, natural disasters, or similar types of occurrences."² Moreover, NRIC VI has established a number of focus groups, one of which is to address "Homeland Security." The "Physical Security" subgroup of the Homeland Security focus group (of which Verizon is a member) has been tasked as follows: "Assess physical vulnerabilities and survey current practices that address homeland defense, and identify existing and new best practices to mitigate consequences of physical attack on infrastructure (prevention). Report on best practices for disaster recovery after an attack on physical infrastructure. [(r)estoration]"³ WorldCom submits that the issues potentially to be addressed in any state-level proceeding involving collocation security are subsumed by this national-level forum. It is anticipated that Physical Security subgroup will be issuing recommendations, conclusion, and industry accepted best practices by December 2002.

WorldCom believes that NRIC is the most appropriate forum in which to collaboratively address collocation security issues. (Although collocation security is implicitly a topic to be addressed by NRIC, to the extent it is not *explicitly* identified, the Department could simply request the FCC to confirm that NRIC will focus specifically on the issue of collocation security during the course of its investigation.) To the extent the Department still wishes to pursue an investigation in another venue, however, WorldCom recommends that the Department explore the possibility of proposing a joint federal-state board to address collocation security.

Those responsible for network security at WorldCom are already engaged in the full-time task of ensuring that WorldCom's facilities and equipment are adequately protected from network-affecting events, whether avoidable (*e.g.*, access to facilities by unauthorized personnel) or unavoidable (*e.g.*, natural disasters, power outages). Those same experts are the people who would be expected to participate in and contribute to the collaborative suggested by the sponsors of the Motion, as well as any other state-level collaboratives that might be formed to address this issue. The prospect of having WorldCom's network security personnel redirect their limited time to addressing network security issues in even a handful of state-sponsored proceedings is unpalatable because of the possibility of inconsistent results, and in all probability unworkable given the demands of their jobs. The most efficient process for addressing this national-level concern is to allow the industry and the FCC to develop national-level solutions through NRIC. Alternatively, pursuing a nationwide solution through a joint federal-state board is a more efficient means of addressing this issue than either the adversarial process of the

² The NRIC VI Charter can be found on the FCC's website (http://www.fcc.gov/hspc/NRIC_recharter.pdf) or Council's own website (www.nric.org/charter_vi/index.html).

³ NRIC VI Steering Committee: Pamela Stegora Axberg Presentation dated March 22, 2002 (www.nric.org/meetings/docs/pjs20020322.ppt) at 5.

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Department's current investigation or the state-specific collaborative process suggested by the sponsors of the Motion.

Very truly yours,

Christopher J. McDonald

cc (*by email & U.S. Mail*): Service List